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**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)	
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Filing Date: March 17, 2021)	Case No.: PSH-21-0031
)	
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Issued: June 22, 2021

Administrative Judge Decision

Janet R. H. Fishman, Administrative Judge:

This Decision concerns the eligibility of XXXXX XXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material."¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's security clearance should be restored.

I. BACKGROUND

A DOE contractor employs the Individual in a position that requires her to hold a security clearance. The Individual submitted a Questionnaire for National Security Positions (QNSP) on August 19, 2019. Exhibit (Ex.) 7 at 17. She disclosed on the QNSP that she used marijuana candies on two occasions while possessing a security clearance. Ex. 7 at 12. The Local Security Office (LSO) subsequently issued a Letter of Interrogatory (LOI) to the Individual seeking additional information about her use of the marijuana candies. Ex. 6.

The LSO informed the Individual, in a letter dated June 12, 2020 (Notification Letter), that it possessed reliable information that created substantial doubt regarding the Individual's eligibility to hold a security clearance. In an attachment to the letter entitled "Summary of Security Concerns" (SSC), the LSO detailed the derogatory information that raised security concerns under the Bond

¹ The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

Amendment, codified at 50 U.S.C. § 3343(b) and Guideline E of the Adjudicative Guidelines. Ex. 1.

The Individual requested a hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e) and (g), the Individual presented the testimony of three witnesses and testified on her own behalf. *See* Transcript of Hearing, Case No. PSH-21-0031 (hereinafter cited as "Tr."). The LSO submitted eight exhibits, marked as Exhibits 1 through 8.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the Notification Letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning her eligibility for a security clearance. That information pertains to Guideline H of the Adjudicative Guidelines, and the Bond Amendment. Ex. 1.

The Bond Amendment provides that Federal agencies "may not grant or renew a security clearance for a covered person who is an unlawful user of a controlled substance or an addict."² 50 U.S.C. § 3343(b). In support of its invocation of this amendment, the LSO cites the Individual's disclosures from her QNSP and in her LOI response that she was granted a security clearance with the Department of Defense (DOD) in 2016, and used marijuana candies on two occasions in January 2019 while possessing that DOD security clearance. Ex. 6 at 1–2, 4; Ex. 7 at 12–13. Given this information, the LSO properly invoked the Bond Amendment.

Under Guideline H (Drug Involvement and Substance Misuse), "illegal use of controlled substances . . . can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations." Adjudicative Guidelines at ¶ 24. Conditions that could raise a security concern include "[a]ny illegal drug use while granted access to classified information or holding a sensitive position." *Id.* at ¶ 25. The LSO's reliance on the Individual's admitted illegal drug use justifies the invocation of Guideline H.

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The entire process is a conscientious scrutiny of a number of variables known as the "whole person concept." Adjudicative Guidelines ¶ 2(a). The protection of the national security is the paramount

² "Controlled substance" is defined in the Bond Amendment as any substance listed as a controlled substance by 21 U.S.C. § 802.

consideration. The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The Individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). The Individual is afforded a full opportunity to present evidence supporting her eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R. § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. FINDINGS OF FACT

The Individual self-reported her use of marijuana candies as outlined in the SSC, however, she testified that in her QNSP she had miscalculated the dates of her prior marijuana use. Tr. at 86, 89–90; Ex. 2 at 6. She confirmed her husband’s testimony that he gave her a package of marijuana candy lozenges and a marijuana cookie which he presented to her as a “joke” in December 2016. Tr. at 91–92. She explained that it was “less of a joke and more just like a novelty, like look at this, isn’t this crazy” because she and her husband had grown up in a generation in which drugs were illegal, and “it’s kind of mind-blowing that now there are these stores on every street just selling this stuff.” *Id.* at 91; *see Id.* at 134–35. Moreover, the Individual explained that “[a]s a scientist[,] looking at these packages is very interesting...[t]he marijuana industry seems to be highly regulated...[a]ll the packaging is childproof, like in medicine type jars...and it’s all professionally chemically measured for THC content ...[with] like little chemistry reports ...printed on the label.” *Id.* at 74. She testified that she and her husband looked at the packaging including the THC analysis and discussed how they found it “crazy” that while marijuana was once sold by drug dealers, “[now] it is [a] highly regulated industry where we’ve got advanced chemical analysis.” *Id.* at 134. She stated that they just laughed at it and put the lozenges and cookie in the refrigerator/freezer in the separate guest apartment of their house. *Id.* at 75, 92. She indicated that she did not think about the marijuana until approximately October or November 2017. *Id.* at 94

In describing the circumstances that led to her use of the marijuana lozenges, the Individual stated that she has motion sickness with significant nausea which makes it difficult for her to drive in the mountains. *Id.* at 87. The Individual stated that she and her husband regularly take their young children on weekend drives to the mountains, especially when the weather is cold and snowy. *Id.* Remembering that someone had told her that marijuana can help with motion sickness, on one occasion she consumed a pea-sized marijuana lozenge while she was at her house prior to a family road trip. *Id.* at 87–88. She asserted that she did not bring the marijuana with her in the car, that her husband drove, and she did not tell her husband at the time that she had consumed the marijuana lozenge because she did not want him to tease her. *Id.* at 87–88. She testified that she was just

trying to alleviate her motion sickness, however, she did not feel any effects from the marijuana lozenge. *Id.* at 88. The Individual explained that a couple of weeks later, she thought, “I didn’t feel any effects, but I don’t know, maybe it helped me like 10 percent in motion sickness... I’m going to try it one more time.” *Id.* at 88, 122–23. Again, she consumed one marijuana lozenge, left the marijuana at home, and joined her family in another drive to the mountains. *Id.* The Individual asserted that was the last time she consumed marijuana. *Id.* at 88, 107. The Individual testified that she remembers that on the second occasion, she remembered eating a meal and drinking a glass of wine at a particular restaurant. *Id.* at 88–89. She testified that after the meal, she had a terrible stomachache, which made her wonder whether the cause of her discomfort was due to bad food or a combination of the marijuana lozenge and the wine she drank. *Id.* She later told her husband about her prior use of the lozenges many months later when he looked at the package, noticed that two lozenges were missing, and asked her about it. *Id.* at 93. She testified he was shocked to find out she had consumed the lozenges. *Id.* at 126.

The Individual asserted that during the two occasions that she consumed a marijuana lozenge, she did it specifically for the purpose of trying to see if it would help with her nausea, not to “get high.” *Id.* at 94–95. She testified that when she consumed the lozenges, she did not feel any effects that are typically associated with marijuana use, and she does not think that the marijuana helped her nausea. *Id.* at 95. She asserted she has no interest in trying marijuana in the future. *Id.* She asserted that except for the two occasions of her November 2017 marijuana lozenge use, she has not used marijuana or any other drugs since 2003. *Id.* at 85, 96, 107. The Individual also testified that she did not require treatment to stop using marijuana because she only used it two times, and it didn’t have any effect, “so I was not addicted or didn’t crave it anymore.” *Id.* at 99. She asserted that she is not a habitual marijuana user and that at no point in her life has she felt like she has lost any power of her self-control over her marijuana use. *Id.* at 100, 107. She further asserted that she is not actively engaged in marijuana use and has no intent to use marijuana in the future. *Id.* at 100, 107. In support of her testimony, she provided a signed statement of intent dated September 2, 2020, stating, “I will abstain from all illegal drug use and understand that my security clearance will be automatically revoked for any violation of this.” Ex. 2 at Attachment 13.

The Individual testified to additional actions she has taken to make sure she is not in any type of environment where marijuana is available. Tr. at 97–98, 107, 123. She threw away all the marijuana lozenges and cookies that her husband purchased. *Id.* at 93, 97–98. She also asserted that she does not associate with any people that she knows to be marijuana users, and she has never witnessed her husband using any drugs, including marijuana. *Id.* at 73, 99–100.

The Individual testified that the first time she realized she had done something wrong in using the marijuana lozenges was when she was completing the QNSP in August 2019, because she noticed the QNSP specifically asked about marijuana use. *Id.* at 98. She testified that at the time she used marijuana, she did not understand that although marijuana usage was legal in her state, it was a federal violation and, therefore, violated her holding of a security clearance. *Id.* at 101, 116, 118. She explained that she and her husband had moved to State A in late 2015, and at that time, “nobody understood a lot about the ramifications of states now legalizing” marijuana. *Id.* at 117–18. She explained that “we were just being told it was legal and you can see the stores sitting there selling it openly...[s]o it certainly sends a mixed image that... it is legal.” *Id.* at 118. The Individual further asserted that in her annual security refresher courses that she attended and in security

related documents she read, she did not remember any mention of marijuana specifically being discussed as a security concern because of the difference between state legalization of marijuana as distinct from federal law. *Id.* at 114. She remembered completing forms as part of her security training that mentioned the issue of drug use but explained, “I’m just not sure about when I took those lozenges in [her State of residence] purchased in the way that I thought or understood to be legally, that I was breaking that spirit of that sentiment I had read.” *Id.* at 114. The Individual admitted that it did not even occur to her that use of marijuana when it was legal in her state could still jeopardize her security clearance. *Id.* at 129–32. She admitted it was also a lapse of judgment that she did not think to research it to find out whether her state’s legalization of use of marijuana could jeopardize her security clearance. *Id.* at 129–32.

The Individual acknowledged that she received security refresher training every year since she has had her security clearance. *Id.* at 102, 115. She remembers that those trainings discussed the topic of drugs, however, she does not remember that the trainings discussed “the issue of living in a state where drugs are legal, but that being irrelevant to you as a holder of a federal clearance.” *Id.* at 103. She testified that when she first realized that her prior marijuana use was going to be a security concern, she contacted her employer’s security officer and told her she now realized that she had made a “terrible mistake” and had done something wrong. *Id.* The Individual testified that her security officer told her, “This has come up It’s possible they need to make it a little bit more clear ... for the people living in states where this is becoming legalized.” *Id.* The Individual also indicated that she received another annual security refresher training since the time that she became aware that marijuana use is a security concern. *Id.* at 115. She asserted that she specifically watched for discussion of the legality of marijuana, but she did not recall that the training “differentiated [marijuana] in the way to point out ...that if you’re in a state [where] marijuana is legal, that legality is irrelevant to you.” *Id.* at 116.

The Individual’s husband testified that he purchased two packages of marijuana lozenges and one marijuana cookie and gave it to the Individual “as a joke Christmas present...in December 2016.” *Id.* at 15–17, 18. He stated that they recently moved to a state where marijuana was legal, so he purchased the marijuana items at a dispensary, and gave it to her in a little basket as a joke for Christmas. *Id.* at 15–16. He explained that it was a joke in large part because the Individual “does not imbibe in any substances” and is a “bit of a teetotaler... [who has] an occasional glass of wine ... so [he] thought it would be funny” because he had never known her to use drugs. *Id.* at 16–17. He asserted that he never expected her to consume the marijuana edibles. *Id.* The Individual’s husband stated that he also purchased an equivalent amount of marijuana edibles in January 2017. *Id.* at 30. He purchased the marijuana edibles to show to people who visited and did not use drugs, because he thought they would see it as a joke. *Id.* at 30. He further testified that he and the Individual have thrown away the marijuana edibles. *Id.* at 27–28, 31.

The Individual’s husband testified that when he gave the Individual the marijuana lozenges and cookie, it did not occur to him that it might impact her security clearance. *Id.* at 25–26. He explained that marijuana was legal in the state where they lived, however, the connections to federal law “was not something that was in any way advertised in what it was we were seeing in the press.” *Id.* at 26.

The Individual's husband stated that he knows that the Individual suffers from car sickness that has been a constant issue throughout their marriage, especially occurring anytime they drive in an area that has a twisty road. *Id.* at 18–19. The Individual's husband testified that during their car trips to the mountains, he never saw the Individual exhibiting any of the effects associated with marijuana use, such as giddiness or euphoria. *Id.* at 20. He also testified that he did not remember any type of behavior that gave him concerns that the Individual was under the influence of a controlled substance. *Id.* He asserted that she has not used any marijuana since November 2017. *Id.* at 21–22. He also asserted that the Individual has no interest in using marijuana and has not used any other controlled substance without a valid prescription. *Id.* at 21–22. He also testified that in his opinion, his wife has never experienced a problem or habit of marijuana use. *Id.* He further stated that neither he nor the Individual associate with people that they know use marijuana. *Id.* at 21–22.

The Individual's husband testified that her integrity is “absolute” as it is the bedrock of their professions. *Id.* at 23. He asserted that he has never known her to violate any principles of honesty and being transparent, and he has no concerns whatsoever about her ability to safeguard classified information and act in the best interest of the United States. *Id.* at 23–24.

The Individual's colleague (“colleague”) who, like the Individual is a consultant for the same contractor and holds a security clearance, testified she has known the Individual since 2016, and has spent an extensive amount of time with the Individual both professionally and personally during the summers of 2018 and 2019, when they worked together at an off-site location. *Id.* at 40–41. She testified that she holds the Individual in the utmost regard including in her ability to hold a security clearance despite her knowledge of the Individual's prior use of marijuana lozenges. *Id.* at 42–43. She also opined that the Individual has “absolutely impeccable judgment.” *Id.* at 44. She asserted that the fact that the Individual disclosed her prior use of state legalized marijuana lozenges for car sickness, is a testament to her integrity, honesty, and ability to follow rules and regulations. *Id.* at 45. The colleague testified that she has never known the Individual to express any type of interest in marijuana use in all the years she has known her. *Id.* The colleague also stated that she visited the Individual's home where they had dinner together in approximately October 2019, and she asserted that she was never offered any marijuana lozenges, cookies, or “nothing of the sort” during her visit. *Id.* at 48. Additionally, the colleague testified that she herself has taken the annual security refresher training and while there were a few slides on drug use, she did not recall that the training discussed the issue of federal application of drug laws versus state application of drug laws. *Id.* at 47–48.

The Individual's research colleague (“research colleague”) who is also a close family friend testified on the Individual's behalf. *Id.* at 50–61. He has known the Individual since 2008 when he joined her laboratory and worked for her as a graduate student. *Id.* at 52. During his time in the laboratory, he worked with the Individual daily. *Id.* at 53. He testified that they interact daily through e-mail and other electronic communication, and through weekly phone calls. *Id.* Moreover, because his wife is the Individual's nanny, he and his wife are close personal friends of the Individual and have interacted socially on weekends with the Individual and her children. *Id.* at 53–54.

The research colleague testified that one week prior to the hearing, the Individual informed him of her previous use of marijuana lozenges to combat car sickness. *Id.* at 54. He testified that he has never seen the Individual use marijuana, nor has she ever expressed an interest in marijuana in his presence. *Id.* at 54–55. He further stated that he has been in her home for social visits, but neither the Individual nor her husband has offered him marijuana lozenges, other marijuana edibles, or any such items as a joke, and he has not seen any of those items in the Individual’s home. *Id.* at 60.

The research colleague testified that he finds the Individual to be “one of the most trustworthy people I’ve ever met.” *Id.* at 56. He testified that he trusts her judgment professionally and personally, such that he appointed her to his board of advisors and as a director of his company. *Id.* at 57. He also attested to the Individual’s ability to follow rules and regulations as demonstrated in how she runs her lab, and how the two of them together worked painstakingly to learn a whole new realm of rules and regulations concerning his new company. *Id.* at 57–59.

V. ANALYSIS

A. Bond Amendment

The Bond Amendment provides that Federal agencies “may not grant or renew a security clearance for a covered person who is an unlawful user of a controlled substance or an addict.” 50 U.S.C. § 3343(b). On April 23, 2021, the Deputy Secretary of Energy issued a memorandum revising the Department’s current policy regarding the application of the Bond Amendment to the processing of security clearances. Memorandum from David Turk, Deputy Secretary of Energy to Kathleen Hogan, Acting Under Secretary for Science and Energy, and Charles P. Verdon, Acting Under Secretary for Nuclear Security Administration, “Revision of DOE Policy Regarding Application of the Bond Amendment” at 1 (April 23, 2021) (hereinafter “Memorandum”).³ The Memorandum stated that the DOE’s new policy on the application of the Bond Amendment (hereinafter “DOE’s new policy”) is effective immediately, and it rescinded the DOE’s former policy on its application of the Bond Amendment. Memorandum at 1.

In applying the Bond Amendment prohibition on granting or renewing a security clearance, the DOE’s Memorandum’s new policy defined the terms “unlawful user of a controlled substance” and “addict” as follows:

- a. An unlawful user of a controlled substance is any person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance or who is a current user of the controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use occurred recently enough to indicate the individual is actively engaged in such conduct.
- b. An addict of a controlled substance is as defined in 21 U.S.C. § 802(1), which is any individual who habitually uses any narcotic drug so as to endanger the public morals,

³ The Memorandum is available at <https://www.energy.gov/articles/david-m-turk-sworn-deputy-secretary-energy>.

health, safety, or welfare; or is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction.

Memorandum at Attachment 2.

The evidence in the record reflects that the Individual's prior use of marijuana lozenges does not meet the definition of the term "unlawful user[s] of a controlled substance" nor does it meet the definition of the term "addict of a controlled substance." Regarding the term, "unlawful user," the Individual's witnesses testified that they have spent considerable amount of time with the Individual and have never observed her to have lost the power of self-control with reference to the use of marijuana.

The second part of the definition for an "unlawful user" is a person who is a current user of the controlled substance other than prescribed by a licensed physician. Here, the Individual self-disclosed that her prior marijuana use occurred in November 2017. The Individual's last date of marijuana use occurred more than three and a half years prior to the hearing. There is no evidence that the Individual is actively engaging in marijuana use. In sum, the Individual does not meet the current DOE criteria to be deemed to be an unlawful user of a controlled substance.

Further, the record does not support a finding that the Individual is an "addict of a controlled substance." The SSC does not contain any allegations that the Individual "uses any narcotic drug so as to endanger the public morals, health, safety, or welfare." Moreover, there is nothing in the record that indicates that the Individual has lost the power of self-control regarding a drug addiction. As the Individual testified, her only use of marijuana relevant to the current security concerns was her consumption of two marijuana lozenges in November 2017. She has not used marijuana since November 2017, she never required substance abuse treatment in order to cease her use of marijuana, and she has no interest or craving for marijuana. Consequently, I do not find that the Individual is an addict of a controlled substance as defined by current DOE policy implementing the Bond Amendment.

Accordingly, since the Individual's prior marijuana use does not meet the definition of either an "unlawful user" or "addict" of a controlled substance, I find that under the current DOE guidance, the Bond Amendment is not a bar to the Individual holding a security clearance.

B. Guideline H

The Individual's prior use of marijuana lozenges while possessing a DOD security clearance raises security concerns under Guideline H. Adjudicative Guidelines at § 25(b). An individual may mitigate security concerns under Guideline H if:

- (a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:

- (1) disassociation from drug-using associates and contacts;
- (2) changing or avoiding the environment where drugs were used; and
- (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility;

Adjudicative Guidelines at § 26(a)–(b).

The Individual provided credible testimony supported by the evidence that she has not used marijuana since November 2017. She self-reported her use of marijuana lozenges on her QNSP before she was confronted with this derogatory information. Her self-disclosure supports a finding that her prior marijuana use does not cast doubt on her current trustworthiness and indicates that she can be relied upon to disclose derogatory information about herself if such information should present itself in the future. Moreover, she provided credible testimony that her reasons for consuming the lozenges was for a very specific reason-i.e., to treat her nausea caused by motion sickness that was exacerbated by driving during her family trips to the mountains. Further, she explained that the lozenges had no beneficial effect on her nausea and may have caused her stomachache during her last use. She also testified that once she realized that marijuana use was a potential security concern, she made sure to throw away the remaining marijuana edibles. As such, I find that the circumstances surrounding the Individual's previous marijuana use were such that they are unlikely to recur. My finding is further supported by the testimony of the Individual's witnesses and written character statements. All of her witnesses were aware of the SSC allegations, and had spent significant time with the Individual, including several witnesses who had spent time socially with the Individual. Her witnesses attested to the fact that they had never seen her use marijuana or other controlled substances, and they had no concerns regarding her current reliability, trustworthiness, or good judgment. Therefore, I find that the Individual has satisfied the mitigating conditions under § 26(a).

Regarding the second mitigating factor under § 26(b), the Individual has admitted her previous drug use in her QNSP, her LOI response and to her employer's security officer as well as at the hearing. She has established a pattern of abstinence as evidenced by her compliance with all three requirements in § 26(b)(1)–3. She asserted that she does not associate with any drug-using associates, and she has never seen her husband use drugs. Her witnesses, who know her well as both colleagues and as friends, attested to the fact that they have been to the Individual's home and have never been offered marijuana by the Individual or her husband, and they have they never seen marijuana in the Individual's home. Moreover, the Individual testified that she has thrown away all of the marijuana edibles that her husband has purchased. She asserted that she has not used marijuana since November 2017 and will never use marijuana again. In support of her intent to remain abstinent, she submitted a signed statement of intent to abstain which she signed several months prior to the hearing. Accordingly, I find that the Individual has satisfied the requirements to successfully demonstrate mitigation under Adjudicative Guidelines at ¶ 26(b).

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under the Bond Amendment and Guideline H of the

Adjudicative Guidelines. After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Bond Amendment is not a bar to the Individual's possession of a security clearance and that the Individual has brought forth sufficient evidence to resolve the Guideline H security concerns set forth in the Summary of Security Concerns. Accordingly, I have determined that the Individual's access authorization should be restored.

The parties may seek review of this Decision by an Appeal Panel, under the regulation set forth at 10 C.F.R. § 710.28.

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Administrative Judge

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